

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant:	CASES-THOMAS Manuel Javier	Group Art Unit: 1626
Serial No.:	10/524,921	Examiner: Golam M. Shameem
Application Date:	August 18, 2003	Conf No.: 1658
US Nat'l Entry		
Date (if applicable):	February 15, 2005	
For:	ARYL AND HETEROARYL MORPHOLINE DERIVATIVES	
Docket No.:	X15579	

REQUEST FOR CORRECTED FILING RECEIPT

Mail Stop Missing Parts
Commissioner for Patents
Customer Service Center
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request correction of the filing receipt for the subject application. A copy of the receipt with the corrections noted is enclosed.

The filing receipt currently indicates that priority is claimed from U.S. Provisional Application No. 60/415,305 filed 01 October. In Item 18. on the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 dated February 15, 2005, applicants requested that the specification be amended to include cross-references to several applications, including "60/415,30~~5~~, filed 01 October 2002." [See Image File Wrapper, Mail Room Date February 15, 2002]. However, this cross-reference should have been to U.S. Provisional Application No. 60/415,30~~5~~3, filed 01 October 2002. A review of the record provides evidence that U.S. Provisional Application No. 60/415,303 is the appropriate reference. For example, Application No. 60/415,303 is listed as a provisional application from which the benefit of priority is claimed on Declarations filed with this application on forms PTO/SB/01 (8-96) (Modified). [See Image File Wrapper, Mail Room Date February 15, 2002]. In addition, Applicants received an Invitation To Correct Priority Claim from the PCT dated October 14, 2003, a copy of which is provided. Applicants responded in the letter dated October 31, 2007, and confirmed that priority is claimed from US provisional application

Serial No. 10/524,921

60/415,303 filed 01 October 2002. A copy of the filing receipt for 60/415,303 was included in that letter and is attached for the examiner's reference.

It is believed that no fee is due at this time. However, please charge Deposit Account No. 05-0840 for any fees that may be required.

In view of the statements above, Applicants respectfully request correction of the filing receipt of the subject application.

Respectfully submitted,

/Tonya L. Combs/

Tonya L. Combs
Attorney for Applicants
Registration No. 57,909
Phone: 317-651-1266

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

November 15, 2007

Enclosures: Copy of Filing Receipt with the changes noted thereon.
Copy of Invitation to Correct Priority Claim.
Copy of Response to Invitation to Correct Priority Claim.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/524,921	02/15/2005	1614	1300	X-15579		18	5

25885
 ELI LILLY & COMPANY
 PATENT DIVISION
 P.O. BOX 6288
 INDIANAPOLIS, IN 46206-6288

RECEIVED

JUN 22 2006

ELI LILLY AND COMPANY
 Patent Division

CONFIRMATION NO. 1658 ✓

CORRECTED FILING RECEIPT



OC000000019334312

Date Mailed: 06/20/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Manuel Javier Cases-Thomas, Reading, UNITED KINGDOM; ✓
 Helen Louise Haughton, Reading, UNITED KINGDOM; ✓
 Robin George Simmonds, Wokingham, UNITED KINGDOM; ✓
 Helene Catherine Eugenie Rudyk, Bracknell, UNITED KINGDOM; ✓
 Magnus Wilhelm Walter, Richmond, UNITED KINGDOM; ✓
 Sivi Ouwerkerk-Mahadevan, Haverlee, NETHERLANDS; ✓
 John Joseph Masters, Fishers, IN; ✓
 Carlos Lamas-Peteira, Madrid, SPAIN; ✓

Assignment For Published Patent Application

ELI LILLY AND COMPANY, INDIANAPOLIS, INDIA

Power of Attorney: The patent practitioners associated with Customer Number 25885.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/23270 08/18/2003 ✓
 which claims benefit of ~~60/415,303 09/30/2002~~

60/415,303 10/1/2002

Foreign Applications

UNITED KINGDOM 0219687.1 08/23/2002 ✓

If Required, Foreign Filing License Granted: 06/19/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/524,921**

PATENT COOPERATION TREATY

From the RECEIVING OFFICE

RECEIVED

OCT 21 2003

PCT

To:

LAWRENCE T. WELCH
ELI LILLY AND COMPANY
P.O. BOX 6288
INDIANAPOLIS, INDIANA 46206-6288

ELI LILLY & COMPANY
PATENT DEPT.

INVITATION TO CORRECT PRIORITY CLAIM

(PCT Rules 4.10, 26bis.1, 26bis.2(a) and (b))

Date of mailing
(day/month/year)

OCT 2003

Applicant's or agent's file reference

X-15579

REPLY DUE

See item I

International application No.

PCT/US03/23270

International filing date
(day/month/year)

18 Aug 2003

Applicant

ELI LILLY AND COMPANY

The applicant is hereby invited, within the time limit indicated below, to correct, by a notice submitted to this receiving Office, defects in the priority claim(s), as indicated in the Annex.

1. Time limit to respond to this Invitation (Rule 26bis.1(a)):

- within 16 months from the (earliest) priority date; or
- if the (earliest) priority date is changed as a result of the correction or addition of the (earliest) priority claim, within 16 months from that (earliest) priority date so changed.

whichever expires first, provided that such a notice may, in any event, be submitted until the expiration of four months from the international filing date.

Failure to respond to this Invitation within the prescribed time limit may result in the priority claim concerned to be considered, for the purposes of the procedure under the PCT, not to have been made (Rule 26bis 2(b)).

2. In the case where multiple priorities have been claimed, this invitation relates to the following priority claim(s):

ITEM # 2 THE DATA SYSTEM IS SHOWING A DATE OF SEP 30 02 AS FILING DATE OF THIS APPLICATION
BUT ON THE REQUEST IS SHOWING A DATE SEPT 30 02. PLEASE CLARIFY

3. A copy of this Invitation is being sent to the International Bureau.

Name and mailing address of the receiving Office

Mail Stop PCT, Commissioner for Patents
P O. Box 1450, Alexandria, VA 22313-1450

Facsimile No 703-305-3230

Authorized officer

Mamie Holmes

Mamie Holmes

Telephone No 703-305-3664

This receiving Office has found the following defects in the priority claim(s).

1. Failure to Comply with the Requirements of Rule 4.10

a. ☐ **National application**

- ☐ Missing indication of the filing date of the earlier application
- ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- ☐ Missing indication of the number of the earlier application *
- ☐ Missing indication of the country party to the Paris Convention for the Protection of Industrial Property, or of the Member of the World Trade Organization that is not party to that Convention, in which the earlier national application was filed.
- ☐ The country indicated is neither a party to the Paris Convention for the Protection of Industrial Property nor a Member of the World Trade Organization

b. ☐ **Regional application**

- ☐ Missing indication of the filing date of the earlier application.
- ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- ☐ Missing indication of the number of the earlier application *
- ☐ Missing indication of the authority entrusted with the granting of regional patents under the applicable regional patent treaty.
- ☐ The authority indicated as the authority entrusted with the granting of regional patents does not grant regional patents.
- ☐ The priority claim in relation to the ARIPO application does not indicate either at least one country party to the Paris Convention for the Protection of Industrial Property, or at least one Member of the World Trade Organization, for which the earlier application was filed.

c. ☐ **International application**

- ☐ Missing indication of the filing date of the earlier application
- ☐ Filing date indicated for the earlier application does not fall within the period of 12 months preceding the international filing date.
- ☐ Missing indication of the number of the earlier application *
- ☐ Missing indication of the receiving Office with which it was filed

2. Inconsistency with the Corresponding Indications in the Priority Document*

a. ☐ Inconsistency with regard to the filing date of the earlier application:

The request indicates:

The priority document indicates:

b. ☐ Inconsistency with regard to the number of the earlier application

The request indicates:

The priority document indicates:

c. ☐ Inconsistency with regard to the country party to the Paris Convention for the Protection of Industrial Property or the Member of the World Trade Organization in which the national application was filed

The request indicates:

The priority document indicates:

d. ☐ Inconsistency with regard to the authority entrusted with the granting of regional patents under the applicable regional patent treaty:

The request indicates:

The priority document indicates:

e. ☐ Inconsistency with regard to the receiving Office with which the international application was filed:

The request indicates:

The priority document indicates:

* Even if this defect is not corrected in response to this invitation, the priority claim concerned will not be considered not to have been made (Rule 26bis.2(b)).

LILLY PATENT DIVISION

JOB #659

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001 10/31	14:45	USPTO RO - PCT	EC--S	01' 41"	005	OK

Fax

Lilly

Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46285
U.S.A.

To: IPEA/US

X-15579

Company: Assistant Commissioner for Patents
Fax: 703-305-3230
Phone: 703-305-3689
Date: 31 October 2003

From: Lawrence Welch/mw
Fax: 317-276-3861
Phone: 317-433-1651
Total Pages: 5

This facsimile message is intended only for the individual to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you have received this facsimile in error, please notify us immediately by telephone (collect), and return the original message to us at the above address via U.S. Postal Service.

Answers That Matter.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER THE PCT

Applicant's File Reference: X-15579

International Application No.: PCT/US03/23270

Applicant(s): ELI LILLY AND COMPANY

International Filing Date: 18 August 2003 (18.08.03)

Title of Invention: ARYL AND HETEROARYL MORPHOLINE DERIVATIVES

Earliest Priority Date: 23 August 2002 (23.08.02)

Box PCT

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Attention: Mamie Holmes
Authorized Officer

RESPONSE TO INVITATION TO CORRECT PRIORITY CLAIM

(PCT Rules 4.10 26 bis.1, 26 bis.2(a) and (b))

In response to the Invitation to Correct Priority Claim mailed on 14 October 2003, (14.10.2003) (copy attached), applicant respectfully notes the communication states: "Item #2 the Data System is showing a date of SEP 30 02 as filing date of this application, but on the request is showing a date SEPT 30 02. Please clarify."

This comment is not understood. Applicants presume that a question has been raised about the actual filing date of the later priority application, US provisional application 60/414,303. In the PCT request this was indicated as having a filing date of 01 October 2002 (01.10.02). Enclosed herewith is the filing receipt for this provisional application showing that this is the filing date accorded to the application. Thus, the filing date for the second priority application is correct.

Applicants attempted to telephone the examiner on this point, but received no answer.

Applicants believe that the priority claims for the above identified application are correct.

Respectfully submitted,

By:



Lawrence T. Welch, Attorney

Registration No. 29,487

317-433-1651
Eli Lilly and Company
Lilly Corporate Center
Indianapolis, Indiana 46285
31 October 2003 (31.10.03)



Commissioner for Patents
Washington, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
60/415,303 ✓	10/01/2002 ✓		160	P-15579			

CONFIRMATION NO. 8709 ✓

25885
ELI LILLY AND COMPANY
PATENT DIVISION
P.O. BOX 6288
INDIANAPOLIS, IN 46206-6288

FILING RECEIPT



OC00000008994697

Date Mailed: 10/23/2002

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Manuel Javier Cases-Thomas, Surrey, UNITED KINGDOM; ✓

If Required, Foreign Filing License Granted 10/23/2002

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Benzyl morpholine derivatives ✓

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

✓